

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED

AT ALBUQUERQUE NM

MAY - 3 1999

EDWARD TIMOTHY GARCIA,

Plaintiff,

ROBERT M. MARCH
CLERK

v.

No. CIV-99-0198 JP/WWD

REED SMITH (Warden) WACKENHUT CORP.,
E. BRAVO (Associate Warden) WACKENHUT CORP.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter is before the Court to review Plaintiff's motion to waive filing costs and fees (Doc. #5) filed April 19, 1999. The motion asks that Plaintiff be excused from submitting financial certificates and installment payments. These are statutory obligations and will not be excused by the Court. 28 U.S.C. § 1915(b)(2). Failure to comply with these requirements may result in dismissal of the action. *In re Smith*, 114 F.3d 1247, 1251 (D.C. Cir. 1997); *Shabazz v. Parsons*, 127 F.3d 1246, 1248-49 (10th Cir. 1997); cf. *Bell v. Whethel*, --- F.3d --- (Table, text in Westlaw), 1997 WL 639319 (10th Cir. Oct. 14, 1997). The motion will be denied.

IT IS THEREFORE ORDERED that Plaintiff's motion to waive filing costs and fees (Doc. #5) filed April 19, 1999, is DENIED; the Clerk is directed to send Plaintiff two copies of the post-filing financial certificate; and Plaintiff is directed to identify any monthly payments by the civil action number on this order (CIV-99-0198 JP/WWD).


UNITED STATES MAGISTRATE JUDGE